

LEPC Letter to County Officials

(INSERT COUNTY NAME) COUNTY LOCAL EMERGENCY PLANNING COMMITTEE
(INSERT ADDRESS)
(INSERT PHONE NUMBER) (INSERT FAX NUMBER)
(INSERT DATE)
(AUDITOR, PRESIDENT OF COUNTY COMMISSION, AND COUNTY COUNCIL)

DEAR (INSERT NAME)

Enclosed for your information is a copy of IC 6-6-10, the statute providing for the funding of Indiana's Local Emergency Planning Committees (LEPCs). Appointed, supervised and coordinated by the Indiana Emergency Response commission (IERC), a state board appointed by the Governor, the LEPCs are state agencies. As such, they are subject to the Indiana Open Door Law, Indiana Public Records Act, Indiana Administrative Orders and Procedures Act, and the Indiana Tort Claims Act. The state funding provided annually to the LEPCs by the IERC may be used only for certain specified purposes set out in the funding statute, and each LEPC must provide to the IERC an annual accounting of its expenditures for one or more of those purposes.

The allowable LEPC expenditures are limited to planning, training, data management, administrative communication equipment, emergency response equipment (for hazmat teams providing at least county-wide response), and the payment of a meeting stipend to eligible LEPC members.

An LEPC is further limited to planning and data management expenditures unless it has submitted to the IERC a chemical emergency response plan that meets the requirements of 42 USC 11003 (a), and has "received approval for the training programs from the emergency response commission." Sections IB (d) and (e) of IC 6-6-10 provide the following:
"(d) Money shall be appropriated by a county fiscal body (as defined in IC 36-1-2-6) from a fund established under subsection (b) upon the receipt by the county fiscal body of the local emergency planning committee's spending plan. The spending must:

- (1) have been approved by a majority of the members of the local emergency planning committee; and
 - (2) conform with the provisions of this chapter. The county fiscal body may not appropriate money from the fund established under subsection (b) for any person or purpose other than the local emergency planning committee.
- (e) All equipment, apparatus, and supplies purchased with money from a fund established under subsection (b) remains under the direction and control of the local emergency planning committee."

I hope this summary of the LEPC funding statute is helpful.

I have sent to the county attorney a copy of the Indiana Attorney General's Administrative Advisory Letter of June 7, 1988, which addresses the legal status and liability of LEPC and IERC members, as well as a copy of IC 6-6-10:

If you have any questions regarding the LEPC's legal status, its funding, or its responsibilities, please let me know.

Sincerely yours,
IERC Chair
cc: County Attorney